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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Richard Sepulveda, Plaintiff,)	Case Number 21-4728 HSG
vs,)	
Shirley Gatto, et al., Defendants.)	STIPULATION AND ORDER TO EXTEND
)	TIME UNDER F.R.C.P. 12(f)
)	
)	

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO ALL PARTIES AND THEIR
RESPECTIVE ATTORNEYS OF RECORD:

WHEREAS, this case has been assigned for early disclosures and mediation under General
Order 56, and the parties to this stipulation want to make best efforts to settle this case without
unnecessary litigation; and

WHEREAS, Defendant Bea Tyree in her capacity as Trustee of the Wilhelmina A. Hughes
Trust dated January 16, 2008 ("Bea Tyree") filed her answer on September 10, 2021, and
therefore Plaintiff's deadline for filing a motion under FRCP 12(f) to strike insufficient defenses
from their answers is October 1, 2021 (i.e. 21 days later); and

WHEREAS, Plaintiff and Bea Tyree are trying to resolve their disagreements about the
sufficiency of these defendants' answers informally, however, they wish to avoid the necessity of
plaintiff filing a Rule 12(f) motion unless/until mediation pursuant to General Order No. 56,
Paragraph 7 does not succeed;

THEREFORE:

IT IS HEREBY STIPULATED by and among Plaintiff and defendant Bea Tyree, that the
deadline for Plaintiff to file any motion with respect to the answer filed by Bea Tyree, under
Federal Rule of Civil Procedure 12(f), be extended to 30 days past the date that the mediator

certifies that the mediation under General Order 56 has been completed. It is also stipulated that (1) plaintiff and Bea Tyree shall meet and confer within seven (7) days after the mediation has been certified as completed; (2) that Bea Tyree shall thereafter be allowed an opportunity to voluntarily amend her answer prior to plaintiff filing any rule 12(f) motion; (3) that any amended answer shall be filed no later than fifteen (15) days after Plaintiff and Bea Tyree have met and conferred.

Law Offices of Richard A. Mac Bride

Richard Mac Bride /s/ Richard A. Mac Bride Date: September 17, 2021

Attorney for Plaintiff

Crosby & Crosby, a Professional Law Corporation

Michael C. Crosby /s/ Michael C. Crosby Date: September 17, 2021

Attorney for defendant Bea Tyree

FILER'S ATTESTATION

Pursuant to General Order 45, Section X(B), I hereby attest that on September 17, 2021, I, Richard A. Mac Bride, the attorney of record for plaintiff herein, received the concurrence of attorney Michael C. Crosby, attorney for defendant Bea Tyree, in the filing of this document.

/s/ Richard A. Mac Bride

Richard A. Mac Bride

ORDER

In the case of Sepulveda v. Gatto et al., 21-4728 JCS: Pursuant to the stipulation of plaintiff and defendant Bea Tyree, and for good cause shown, it is hereby ORDERED, that the deadline for plaintiff to file any motion under Federal Rule of Civil Procedure 12(f) be extended to 30 days past the date that the mediator certifies that mediation under General Order 56 has been completed. Plaintiff and Bea Tyree shall meet and confer within seven (7) days after the mediation has been certified as being completed. Bea Tyree shall thereafter have an opportunity to voluntarily amend her answer prior to plaintiff filing any Rule 12(f) motion with respect to the answer filed by Bea Tyree. Any amended answer shall be filed no later than fifteen (15) days after the parties meet and confer.

IT IS SO ORDERED.

Date: 9/20/2021

Haywood S.
United States

